

**ASSEMBLY BILL**

**No. 1194**

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**Introduced by Assembly Member Karnette**

February 23, 2007

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An act to amend Section 3543 of the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, as introduced, Karnette. School employees.

Existing law gives public school employees the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. A public school employee who is in a unit for which an exclusive representative is selected may join that organization or pay a fair share service fee.

This bill would give public school employees the right to represent themselves individually in their employment relations with the public school employer, except that once the employees in an appropriate unit select an exclusive representative and it is recognized or certified, the employee in that unit would be prohibited from meeting and negotiating with the public school employer.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3543 of the Government Code is amended  
2     to read:

1     3543. (a) Public school employees shall have the right to form,  
2 join, and participate in the activities of employee organizations of  
3 their own choosing for the purpose of representation on all matters  
4 of employer-employee relations. *Public school employees shall*  
5 *have the right to represent themselves individually in their*  
6 *employment relations with the public school employer, except that*  
7 *once the employees in an appropriate unit have selected an*  
8 *exclusive representative and it has been recognized pursuant to*  
9 *Section 3544.1 or certified pursuant to Section 3544.7, no employee*  
10 *in that unit may meet and negotiate with the public school*  
11 *employer. If the exclusive representative of a unit provides*  
12 *notification, as specified by subdivision (a) of Section 3546, public*  
13 *school employees who are in a unit for which an exclusive*  
14 *representative has been selected, shall be required, as a condition*  
15 *of continued employment, to join the recognized employee*  
16 *organization or to pay the organization a fair share services fee,*  
17 *as required by Section 3546. If a majority of the members of a*  
18 *bargaining unit rescind that arrangement, either of the following*  
19 *options shall be applicable:*  
20     (1) The recognized employee organization may petition for the  
21 reinstatement of the arrangement described in subdivision (a) of  
22 Section 3546 pursuant to the procedures in paragraph (2) of  
23 subdivision (d) of Section 3546.  
24     (2) The employees may negotiate either of the two forms of  
25 organizational security described in subdivision (i) of Section  
26 3540.1.  
27     (b) Any employee may at any time present grievances to his or  
28 her employer, and have such grievances adjusted, without the  
29 intervention of the exclusive representative, as long as the  
30 adjustment is reached prior to arbitration pursuant to Sections  
31 3548.5, 3548.6, 3548.7, and 3548.8 and the adjustment is not  
32 inconsistent with the terms of a written agreement then in effect;  
33 provided that the public school employer shall not agree to a  
34 resolution of the grievance until the exclusive representative has  
35 received a copy of the grievance and the proposed resolution and  
36 has been given the opportunity to file a response.